



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

MAR - 5 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Frank Vargas
Fleet and Regulatory Manager
American Seafoods Company, LLC
2025 1st Avenue, Suite 900
Seattle, Washington 98121

Re: F/T American Dynasty
NPDES Permit Numbers AKG524036 and AKG520297

Dear Mr. Vargas:

Effective March 1, 2010, the U.S. Environmental Protection Agency (EPA) covered American Seafoods Company, F/T American Dynasty (Vessel), under the General NPDES Permit for *Offshore Seafood Processors NPDES General Permit* (Offshore Permit), with unique identifier #AKG524036. Prior to that time, EPA covered the Vessel under the *Seafood Processors in Alaska General Permit* (Alaska Permit), with unique identifier #AKG520297. The purpose of this letter is to notify you of violations that EPA discovered from a review of administrative records and an inspection conducted on December 4, 2013. The purpose of the inspection was to determine the Vessel's compliance with the requirements of the Clean Water Act (CWA) and the Permits.

OFFSHORE PERMIT VIOLATIONS

- 1) Sections V.A.16, VI.B.2.j and VI.D of the Offshore Permit require the permittee to conduct quarterly metals' sampling for at least two years starting the third quarter after receiving authorization to discharge. The Vessel had authorization to discharge beginning March 1, 2010, thus quarterly metals' sampling was required starting the third quarter of 2010. The report from the December 4, 2013 inspection states that a review of the influent/effluent monitoring showed that the Vessel failed to sample during the third and fourth quarters of 2010. Your April 5, 2011 letter stated that the Vessel was, "not outfitted with suitable supplies for correctly taking water samples and forwarding on shore to an approved facility for testing." Failures to conduct metals' sampling in the third and fourth quarters of 2010 are violations of Sections V.A.16, VI.B.2.j and VI.D of the Offshore Permit.
- 2) Section V.A.1 of the Offshore Permit states that a permittee must not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount projected in the permittee's Notice of Intent (NOI). Section IV.A.3 of the Offshore Permit states that permittees must submit an updated and amended NOI to EPA where there is any material change. The Vessel's production and discharge data provided to EPA in the 2010

Annual Report listed the total amount discharged to seas as 29,645,953 lbs. The previous NOI, dated June 11, 2007, lists maximum discharge amount projected as 15,000,000 lbs. This is a violation of Sections V.A.1 and/or IV.A.3 of the Offshore Permit.

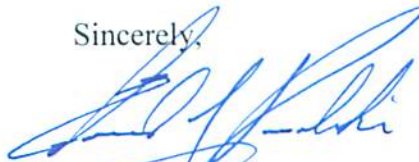
- 3) Section VI.B.2.c.5 of the Offshore Permit states that the annual report must include a summary of production and discharge information during the previous year, including the total annual number of processing days, raw product in pounds, finished products in pounds, and discharged processing wastes in pounds. The Vessel's discharge data in its 2010-2013 Annual Reports is incomplete and does not contain annual summary data. This is a violation of Section V.B.2.c.5 of the Offshore Permit.
- 4) Section VI.B.2.h of the Offshore Permit requires the permittee to submit at least four labeled representative pictures; labels should include the date, time, name of the person taking the picture, and a description of the picture itself. No pictures were included in the 2010 Annual Report. Labels on the photographs in the 2011 and 2012 Annual Reports were only labeled with a date and a time (except one picture in 2012 which was not labeled at all). These are violations of Section VI.B.2.h of the Offshore Permit.

ALASKA PERMIT VIOLATIONS

- 1) Section V.A.1 of the Alaska Permit states that a permittee must not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount projected in the permittee's NOI. Section I.C.7.d of the Alaska Permit states that an NOI shall include the projected maximum quantity in pounds (lbs) of seafood processing waste residues which is projected to be discharged on a daily basis and on an annual basis. The Vessel's monthly production and discharge data provided to EPA in the 2009 Annual Report adds up to an annual discharge amount of 28,730,904 lbs. The previous NOI, dated June 11, 2007, lists maximum discharge amount projected as 15,000,000 lbs. This is a violation of Sections V.A.1 and/or I.C.7.d of the Alaska Permit.

Although EPA's goal is to ensure NPDES facilities comply fully with their Permits, the ultimate responsibility rests with the operator of the Vessel. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations. Should you have any questions regarding this letter, please feel free to contact Chris Gebhardt, Compliance Officer, at (206) 553-0253.

Sincerely,



Edward J. Kowalski
Director

cc: Sharon Morgan
Alaska Department of Environmental Conservation